

No. 02-3007

[UNPUBLISHED]

Before HANSEN, Chief Judge, WOLLMAN, and RILEY, Circuit Judges.

PER CURIAM.

This is an appeal following the district court's¹ refusal to reconsider its order awarding the insurers--in the Lancasters' unsuccessful garnishment action--the full amount of the insurers' requested costs and fees. The Lancasters had moved for reconsideration on the basis that Johnston v. Sweany, 68 S.W.3d 398 (Mo. 2002) (en banc) (per curiam) specifically limited fee awards to expenses directly related to the garnishment, and excluded fees resulting from litigation of coverage issues. The court denied reconsideration, concluding that Johnston directed courts to separate fees related to coverage and fees related to garnishment to the extent practicable, but that in this case division was not practicable because the fees related to coverage issues were deeply intertwined with fees related to garnishment.

We conclude that the district court's award was not a clear abuse of discretion. See Computrol, Inc. v. Newtrend, L.P., 203 F.3d 1064, 1072 (8th Cir. 2000). Johnston requires only that the fees be limited to the extent practicable, see Johnston, 68 S.W.3d at 405, and the court found that division was not practicable. Thus, we reject the Lancasters' argument that the district court failed to heed the majority opinion in Johnston.

Accordingly, we affirm the judgment of the district court and the denial of the motion to reconsider.

¹The Honorable Scott O. Wright, United States District Court Judge for the Western District of Missouri.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.